

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's	)	
Rules to Ensure Compatibility	)	CC Docket No. 94-102
With Enhanced 911 emergency	)	
Calling Systems	)	

**COMMENTS OF APCO, NENA AND NASNA  
IN RESPONSE TO PETITION OF ONSTAR CORPORATION  
FOR DECLARATORY RULING**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), the National Emergency Number Association ("NENA") and the National Association of State 9-1-1 Administrators ("NASNA") hereby submit the following comments in response to the Commission's Public Notice, DA 02-3565 (released December 20, 2002), requesting comments regarding a Petition for Declaratory Ruling filed by OnStar Corporation ("OnStar") on December 3, 2002, in the above-captioned proceeding.

OnStar, a provider of telematics services to vehicle owners, has sought a declaratory ruling that "embedded telematics devices operating on wireless carrier networks utilizing 'handset'-based 911 Phase II solutions are not 'handsets,'" for purposes of the Commission's wireless E9-1-1 rules. OnStar explains that many of its telematics units, in addition to providing "call-center" services, include an "embedded" wireless telephone for which separate subscription is available. Customers with such service have the option of using the wireless telephone portion of the telematics unit (through a separate call button) both to make regular telephone calls and to

“dial” 9-1-1 directly and reach a PSAP without going through the OnStar Call Center. OnStar asks that this wireless telephone component not be considered a “handset” under the Commission’s rules.

OnStar is not itself a licensee, and is not subject to the E9-1-1 rules. However, at least some of the wireless carriers that provide cellular service to OnStar (which OnStar “resells” to its subscribers) are subject to requirements that a certain percentage of new handset activations be with location-capable handsets by specific benchmark dates. Ultimately, such carriers must demonstrate that 95% of the handsets in use on their networks have location capability by December 31, 2005. OnStar states that, currently, the embedded wireless telephone portion of its telematics devices does not provide location-capability for direct 9-1-1 calls that bypass the OnStar Call Center. Location identification is possible only if the customer uses the “OnStar” button to report an emergency through the OnStar Call Center, which in turn will notify the proper PSAP.

Telematics provide a valuable service, and we have worked with OnStar and other telematics companies to develop training, call handling protocols and routing procedures for emergencies reported through their in-vehicle systems. However, we do not believe that OnStar has presented a sufficient case for the declaratory ruling that it now seeks.

OnStar *chooses* to offer its customers the *option* of obtaining access to wireless telephone service through the embedded telematics device. It is not a necessary component of OnStar’s telematics service. In that regard, OnStar is not significantly different from any other third-party provider of wireless telephone service. The only difference, is that the wireless telephone is part of an embedded device built into a vehicle.

The problem cannot be resolved merely by interpreting regulatory language. For example, Section 20.3 of the Rules defines “handset-based location technology” in part as follows:

A method of providing the location of wireless 911 callers that requires the use of special location-determining hardware and/or software in a portable or mobile phone. (emphasis added)

Section 20.18(g), which contains the handset introduction and penetration timetables, simply refers to “handset-based location technology” and “location-capable handsets.” It does not distinguish between portable (hand-held) and mobile (typically vehicle-mounted) units. The OnStar terminals, despite their non-portability, appear to fit the definition of location-determining handsets. Thus, a wireless carrier providing service for such units ostensibly would have to treat them as subject to Section 20.18(g).

Moreover, OnStar customers that choose (either intentionally or in the “heat of the moment”) to use the wireless telephone component to reach 9-1-1 directly (rather than through the OnStar Call Center) should not be denied the location capability otherwise available to users of other types of wireless telephones. Imagine an OnStar customer that dials 9-1-1 and reaches a PSAP, but is unable to identify his or her location. For the PSAP (and, more importantly, the first responders) to find the emergency being reported, the caller will need to hang up and reconnect through the OnStar Call Center, losing valuable time. We believe that all users of wireless telephones must have E9-1-1 capability, regardless whether they receive that telephone directly from a carrier, through a third-party retailer or reseller, or as part of package of services that may include telematics.

We also question whether OnStar has demonstrated why the requested declaratory ruling is even necessary. Existing rules do not require wireless carriers to ensure that 100% of all

subscribers have location capability, only that 100% of new activations be location-capable by a specific date. OnStar has not clearly set forth how, and why such a benchmark would interfere with its core telematics offerings.

For existing users, the relevant Commission requirement is that carriers must use good faith efforts to ensure that 95% of their customer base have location capable handsets by December 31, 2005. The Commission adopted a 95% rule, rather than a 100% rule, in recognition of the difficulty of replacing all “legacy” handsets, especially those outside of the carriers’ direct control. The OnStar units at issue will presumably represent a very small percentage of any one carrier’s embedded base of customers, and thus should not have a significant impact on a carrier’s ability to reach the 95% level.<sup>1</sup> Should that or other portions of the E9-1-1 rules become an issue for a carrier with regard to OnStar, then it is the carrier’s responsibility to seek any Commission relief that may be appropriate.

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<sup>1</sup>We do not intend to infer that 95% penetration is adequate, but rather, that OnStar has not demonstrated that the requested declaratory ruling is necessary under the Commission’s rules.

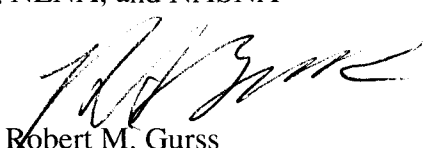
## CONCLUSION

Therefore, for the reasons set forth above, we do not believe that OnStar has provided a sufficient basis to support grant of the requested declaratory ruling.

Respectfully submitted,

APCO, NENA, and NASNA

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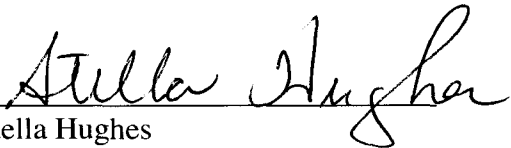
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January 24, 2003

Certificate of Service

I, Stella Hughes, hereby certify that a copy of the foregoing "Comments of APCO, NENA and NASNA" was served this 24<sup>th</sup> day of January 2003, by first class mail, postage pre-paid, to the following individuals at the address listed below:

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